



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,731	12/21/2001	Jeffrey G. Tarrant	61109-0003	5039
9629	7590	10/17/2006		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER MILEF, ELDA G	
			ART UNIT	PAPER NUMBER
			3692	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,731

Applicant(s)

TARRANT, JEFFREY G.

Examiner

Elda Milef

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/20/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5,8, 12,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,2,8 recite the limitation "the first user". There is insufficient antecedent basis for this limitation in the claims.

Claims 4 and 13 recite the limitation "the investor level" in lines 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 5 and 12 recite the limitation "the at least one investor level" in lines 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 3 and 4 are rejected because of their dependency to the rejected claims.

Art Unit: 3628

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6,8, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bettis et al. (U.S. Patent No. 7,016,872)

Regarding claims 1, 2 and 8, for examination purposes, the Examiner is interpreting "the first user" to mean "the first user computer."

Re claim 1: Bettis disclose:

(a) receiving data regarding a particular investment over a computer network from a first user computer

("individual/entities may provide all confidential data to the administrator of the scoring/ranking system of the present invention...")-see col. 4 (24-28), col. 12, col. 16 (14-28) Figure 20;

Art Unit: 3628

(b) storing the data from the first user in a relational database-see Fig. 20 (294) and identifying the data as coming from the first user, wherein the first user is identified as a member of a hierarchy of sources organized by level of trustworthiness("In addition to listing the highest performing investors, interface 500 may also be linked to or used to display information concerning each investor and /or the corresponding security...")-see col. 16 (14-28) and Figs. 7 (710), ("The Insider Scoring is an insider performance measurement. In this example, all of the insiders listed in, for example, a database, in this case, the Insider Universe, are evaluated.")- see col. 4 (32-35);

(c) receiving a request over the computer network from a second user for data from the relational database regarding the particular investment ("In use, a user may advantageously view the information...the highest performing investors with respect to either buy and/or sell transactions...")-see col. 16 (52-60), and figs.5&6; and

(d) in response to the request from the second user, transmitting the data from the relational database to a second user computer-see Figs. 5-6B, and 20, wherein, absent a request from the second user for data from a specific source or level of trustworthiness, the data transmitted comprise

Art Unit: 3628

data from users of the highest level of trustworthiness available-see Fig. 5 ("Insider Scoreboard"), col. 15 (30-40).

Re claim 2: Bettis disclose wherein the data received from the first user comprises alternative investment data.-see col. 16 (14-60).

Re claim 3: Bettis disclose wherein sources of at least one level of trustworthiness comprise investment managers, fund administrators, or fund sponsors. ("In addition, it should be noted that although in this particular embodiment corporate securities are mentioned as being one example of the investor's trading decision or investment, the instant invention is also applicable to and should be construed as encompassing any other form of similar investment. Some examples include bonds, currencies, commodities, paper, precious metals, minerals, natural resources, mutual funds, and the like or any other analogous investments and/or investment entities.") -see col. 15 (58-67). ("Furthermore, the concepts of the present invention are applicable to entities investing in investments other than securities, such as bonds, mutual funds, or any other similar investments.")-see col.17 (26-30) also, see col. 12 (6-12), and fig. 1.

Re claim 4: Bettis disclose:

Art Unit: 3628

wherein sources of at least one level of trustworthiness comprise investors, and wherein the investor level is subdivided into two or more sublevels that are determined at least partly by reliability of previously submitted information.--see col. 15 -col. 16.

Re claim 6: Bettis disclose:

wherein the alternative investment data from the first user comprises fund data.--see col. 15 (58-67).

Re claims 8, 10-13: Further a system would have been necessary to perform the method of previously rejected claims 1, 2-5 and are therefore rejected using the same art and rationale.

Re claim 9: Bettis disclose:

(a) a central database;

(b) a central server linked to the central database and linked to a computer network; wherein the central database is a relational database configured to identify at least some data with the source of the data; and wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.--see Figs. 7-15, Fig. 20, cols. 23-26.

Re claim 14: Bettis disclose:

Art Unit: 3628

(a) providing over a computer network in a secure manner to a central server data regarding one or more alternative investments, wherein the alternative investment data comprises financial data and information indicating at least one source of the financial data;

(b) requesting information regarding one or more alternative investments; and

(c) receiving information comprising the requested information;

wherein the central server is in communication with a central database that is a relational database configured to identify at least some data with the source of the data; and

wherein each data source is designated as a member of a hierarchy of sources organized by level of trustworthiness.

-see cols. 4 (24-25), col. 12, col. 16 (14-28), figs. 7, 20.

Claim Rejections - 35 USC § 103

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view of Gatto (US Patent No. 6,681,211).

Re claim 5: Bettis disclose:

wherein sources of at least one level of

Art Unit: 3628

trustworthiness comprise investors, and wherein the at least one investor level is subdivided into two or more sublevels-see col. 15 (30-40), col. 16 (15-60), col. 17;

Bettis does not specifically disclose wherein an investor's sublevel is determined at least partly by the amount of demand for the investor's information by other investors. Gatto however, teaches ("A user may divide broker lists by size, reputation, historical accuracy, affiliation with a stock (e.g., market maker, etc.), or other criteria...For example, larger brokerage firms or firms with better reputations may be classified in Group #3 and given a higher N-score.")-see col. 21 (50)-col. 22 line 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis to include grouping brokers according to user specified criteria such as reputation as taught by Gatto in order to classify brokers into groups according to attributes that are important to the user to aid the user in investment decisions.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bettis in view of Harris (US Patent No. 5,517,406) in further view of Gatto (US Patent No. 6,681,211).

Art Unit: 3628

Re claim 7: Bettis does not specifically disclose

(a) attempting to match an unrecognized fund with existing fund records; (b) if no match is found, searching existing fund records using a sounds-like function; (c) if no match is found by step (b), identifying the unrecognized fund as a new fund.

Harris however, teaches ("if the company is new for the account, then in step 1608, the fund table for the new management company is loaded.")-see col. 14 lines 10-16, col. 14 line 65-col. 15 line 3.

Bettis and Harris do not teach (d) if multiple matches are found by step (b), transmitting a list of the matches to the first user, with a request to identify the correct fund. Gatto however, teaches matching strings (data elements in programming languages)-see col. 9, lines 10-22, and the user selecting the desired string from a list of matches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bettis to include matching unidentified data with existing records to determine if data is new to the system as taught by Harris and providing a list of matches to the user in order to select the desired string as taught by Gatto in order to detect possible errors and maintain data integrity.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,041,313 (Gilbert et al.)-Computer based 401 K software, indication of new account.

U.S. Patent No. 5,132,899 (Fox)-cited for its reference to a stock and cash portfolio development system including ranking fund managers.

PG. Pub. No. US 2002/0022988 (Columbus et al.)-cited for its reference to the evaluation of analyst's performance based on average historical performance of the investment, consistency of the analyst's performances.

"401Kexchange Reports Satisfaction Leaps, But Those Dissatisfied Seek New Providers", IOMA's Report on Managing 401(k) Plans; Nov. 2000; 00,11; Banking Information Source. - Cited for its reference to ranking fund managers, and plan administrators.

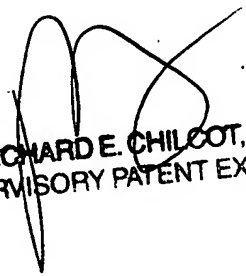
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be

Art Unit: 3628

reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER